



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2352

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR Jwp

11092654888



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 21, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director

FROM: Patricia Carmona *[Signature]*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *[Signature]* Jodi Winship/Sari Pickerall *[Signature]*
Compliance Branch

SUBJECT: Reason To Believe Recommendation - 2010 30 Day Post-General Report
(Unauthorized Filers) For The Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2010 30 Day Post-General Report in accordance with 2 U.S.C. § 434(a). The list is comprised of unauthorized committees that failed to file or timely file the 2010 30 Day Post-General Report.

The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date but within thirty (30) days of the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachment.

In order to determine the level of activity for unauthorized quarterly filers that failed to file or failed to timely file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2010 through November 22, 2010 (53 days), was reviewed for activity which would have required the filing of a 12 Day Report. If our

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research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 25% (13 days (12G Filing Period)/53 days (30G Filing Period)). The committees identified through this process as failing to file or failing to timely file the 12 Day Pre-General Report were included in the Reason to Believe Recommendation approved by the Commission on March 11, 2011. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will also be assessed a fine for the 30 Day Reports based on the estimated levels of activity described above and are included on the attached list.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2010 POST-GENERAL Not Election Sensitive 12/02/2010 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2352	C00142315	BOYD GAMING POLITICAL ACTION COMMITTEE		RICK DARNOLD	\$228,302	0	1/3/2011	Not Filed	\$3,000	\$250
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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2361	C00041939	ELECTRICAL WORKERS VOLUNTARY, POL, EDU & LEG FUND IBEW LOCAL UNION NO 1		THOMAS G. SANSEVERE	\$539,249	0	12/27/2010	25	\$76,329	\$3,190
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
30 Day Post-General Report (Unauthorized)
Filers) For the Administrative Fine)
Program:)

BOYD GAMING POLITICAL ACTION) AF# 2352
COMMITTEE, and DARNOLD, RICK as)
treasurer;)

**Federal Election Commission
Certification for Administrative Fines
March 25, 2011**

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**ELECTRICAL WORKERS) AF# 2361
VOLUNTARY, POL, EDU & LEG FUND)
IBEW LOCAL UNION NO 1, and)
SANSEVERE, THOMAS G as treasurer;)**

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 25, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2010 30 Day Post-General Report (Unauthorized Filers) For the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 21, 2011, on the following committees:

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AF#2352 Decided by a vote of 6-0 to: (1) find reason to believe that BOYD GAMING POLITICAL ACTION COMMITTEE, and DARNOLD, RICK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2361 Decided by a vote of 6-0 to: (1) find reason to believe that ELECTRICAL WORKERS VOLUNTARY, POL, EDU & LEG FUND IBEW LOCAL UNION NO 1, and SANSEVERE, THOMAS G as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on

the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petemen, Walther, and Weintraub voted affirmatively for the decision.

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March 28, 2011
Date

Attest:

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 28, 2011

Rick Darnold, in official capacity as Treasurer
Boyd Gaming Political Action Committee
6465 S. Rainbow Blvd.
Las Vegas, NV 89118

C00142315
AF#: 2352

Dear Mr. Darnold:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period through November 22, 2010, shall be filed no later than December 2, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 25, 2011, the FEC found that there is reason to believe ("RTB") that Boyd Gaming Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before December 2, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$250. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$250 is due within forty (40) days of the finding, or by May 4, 2011, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$3,000

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

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If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 4, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Boyd Gaming Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

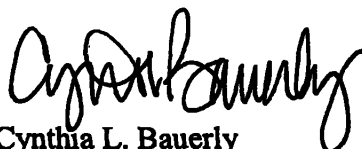
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$250 for the 2010 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 4, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Boyd Gaming Political Action Committee

FEC ID#: C00142315

AF#: 2352

PAYMENT DUE DATE: May 4, 2011

PAYMENT AMOUNT DUE: \$250

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2011 MAR 31 P 12:17 **BOYD GAMING**

March 29, 2011

Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

Re: Notice of civil penalty
Boyd Gaming Political Action Committee
AF#: 2352

Dear Sir or Madam,

This is in response to your inquiry dated March 28, 2011 regarding the assessment of a civil penalty regarding the failure to timely file the 30 Day Post-General Report of Receipts and Disbursements. Upon original review of the receipts and disbursements activity for the period of October 14 through November 22, we had determined that there were no receipts or disbursements during this period and therefore, no report was filed.

Subsequently we were reconciling the bank statements and found two disbursements that were made in October that actually fell in the reporting period for the 30-Day Post General report. We immediately filed the report within 24 hours of determination of this error. The receipts and disbursements are made out of our executive offices and we use our best efforts to timely record all receipts and disbursements. Staff was showing the cleared date of the check instead of the check issuance date which is inconsistent with our historical practices. We had a similar issue with respect to the Pre-General Election Report and this error is a continuation of this same issue that we previously dealt with and was resolved with no penalty assessed.

We apologize for the reporting errors and our administrative team has been counseled regarding the importance of correctly entering the receipts and disbursements. We have been consistent in timely filing all our reports for over a decade. We respectfully ask that the administrative civil penalty be abated. If you should have any additional questions, please do not hesitate to call me at 702-792-7237 or email me at rickdarnold@boydgaming.com.

Sincerely,



Richard Darnold
Boyd Gaming Political Action Committee Treasurer

11092654910



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

March 31, 2011

Rick Darnold, in his official capacity as Treasurer
Boyd Gaming Political Action Committee
6465 S Rainbow Boulevard
Las Vegas, NV 89118

C00142315
AF# 2352

Dear Treasurer:

On March 31, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

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**FEC OFFICE OF
ADMIN REVIEW**

2011 APR -6 A 7:52

Date: April 1, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2352

Committee Name: Boyd Gaming Political Action Committee

Committee ID#: C00142315

Committee Address (if different than in RTB letter): N

Treasurer Name (if different than in RTB finding): N

Attachments:

**Copy of RTB Circulation Report, dated March 21, 2011 and RTB Certification,
dated March 28, 2011 (Y/N): Y**

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Other Relevant Telecoms (Y/N): Y

OAR Telecon, dated March 29, 2011

Attachment #: 4

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 Prior Notice, dated September 27, 2010.

- Non-Filer Notice, dated December 20, 2010.

-RTB Letter, dated March 28, 2011.

Attachment #: 5

Other RAD Information: (Y/N): N

Attachment#: N/A

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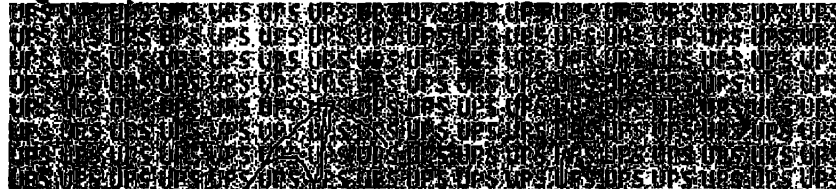


Delivery Notification

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9500 513 0
Reference Number(s): RAD, 2352
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 03/24/2011
Delivered On: 03/29/2011 9:22 A.M.
Delivered To: 6465 S RAINBOW BLVD
LAS VEGAS, NV, US 89118
Signed By: DELGADO



Location: RECEIVER

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

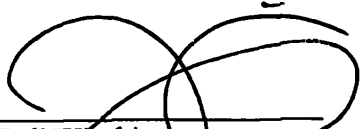
Tracking results provided by UPS: 03/31/2011 10:41 A.M. ET

Attachment 2

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DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Boyd Gaming Political Action Committee:
 - A) Prior Notice, dated September 27, 2010, referencing the Post-General Election Report (sent via electronic mail to: RICKDARNOLD@BOYDGAMING.COM);
 - B) Non-Filer Letter, dated December 20, 2010, referencing the 2010 30 Day Post-General Report;
 - C) Reason-to-Believe Letter, dated March 28, 2011, referencing the 2010 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Boyd Gaming Political Action Committee filed the 2010 30 Day Post-General Report with the Commission on January 3, 2011.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 1st day of April, 2011.



Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



GENERAL ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACs

September 27, 2010

CURRENT REPORT DUE

I. QUARTERLY FILERS THAT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 13

REPORT	PERIOD ¹	DEADLINE	FILING DEADLINE
Pre-General ²	10/01/10 - 10/13/10	10/18/10	10/21/10
Post-General	10/14/10 - 11/22/10	12/02/10	12/02/10

II. QUARTERLY FILERS THAT DO NOT MAKE GENERAL ELECTION CONTRIBUTIONS OR EXPENDITURES FROM OCTOBER 1 THROUGH OCTOBER 13²

REPORT	PERIOD ¹	DEADLINE	FILING DEADLINE
Post-General	10/01/10 - 11/22/10	12/02/10	12/02/10

REPORTING SCHEDULE FOR REMAINDER OF 2010

REPORT	REPORTING PERIOD	REG/CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	11/23/10 - 12/31/10	01/31/11	01/31/11

Supplemental Filing Information is available for Parties and PACs.

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

³Committees that made general election contributions or expenditures before October 1 and did not previously disclose them must also follow Chart I.

2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must follow the above charts in order to determine whether they must file a report 12 days before the general election on November 2 (the Pre-General Election Report). All Party Committees and PACs regardless of financial activity, must file a report 30 days after the general election (the Post-General Election Report). See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: [Electronic Filing Page](#)
- Campaign Guide: *Nonconnected Committees (Nonconnected)*, pp. 51-53 [PDF]; *Corporations and Labor Organizations (SSF)*, pp. 49-51 [PDF]; *Political Party Committees (Party)*, pp. 69-71 [PDF].

Paper Filing – Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail.
See 11 CFR 104.5(e).

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Campaign Guide: *Nonconnected*, pp. 47-48 [PDF]; *SSF*, pp. 45-46 [PDF]; *Party*, p. 65 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: [2010 Congressional Pre-Primary Reporting Dates Page](#)
- The Record: [January 2010 issue](#) [PDF]
- Campaign Guide: *Nonconnected*, pp. 49-51 [PDF]; *SSF*, pp. 46-48 [PDF]; *Party*, pp. 67-68 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]
- Campaign Guide: Party, pp. 143-149 [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: 48- and 24-hour periods for independent expenditures for 2010 elections
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 20, 2010

RQ-7

DARNOLD, RICK, TREASURER
BOYD GAMING POLITICAL ACTION COMMITTEE
6465 S RAINBOW BLVD .
LAS VEGAS, NV 89118

IDENTIFICATION NUMBER: C00142315

REFERENCE: POST-GENERAL REPORT 10/14/2010 - 11/22/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FED WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

1009835514898



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

201 APR 21 P 2:09

SENSITIVE

April 21, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2352 – Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer (C00142315)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092654919



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 21, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2352 – Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity
as Treasurer (C00142315)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$250 civil money penalty.

Reason-to-Believe Background

On March 25, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report and made a preliminary determination that the civil money penalty was \$250 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated March 28, 2011, was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a post-general election report no later than 30 days after any general election. 2 U.S.C. § 434(a)(4)(A)(iii) and 11 C.F.R. § 104.5(c)(1)(iii). Reports filed electronically must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on December 2 to be timely filed. 11 C.F.R. § 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On March 31, 2011, the Commission received the written response ("challenge") from the Treasurer, requesting that the civil money penalty be abated. The Treasurer states that upon initial review, there were no receipts or disbursements for the 30 Day Post-General reporting period, however, a subsequent reconciling of bank statements disclosed two disbursements for the period. He states that staff was showing the cleared date of the check rather than the issuance date of the check, which is inconsistent with their historical practice. Upon discovering the error, the report was filed within 24 hours. The Treasurer apologizes for the errors and states that their administrative team has been counseled on the importance of correctly entering receipts and disbursements.

Analysis

The 30 Day Post-General Report was filed on January 3, 2011, 32 days late.

After reconciling bank statements, the Treasurer states that two disbursements, incorrectly entered by the administrative team, were discovered to have occurred during the 30 Day Post-General reporting period, and the report was filed within 24 hours of the discovery. Although the Treasurer notes that receipts and disbursements are made out of the respondents' executive offices and their administrative team is responsible for entering these transactions, the regulations are clear that the Treasurer is personally responsible for the timely and complete filing of reports, as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d).

According to the challenge, the report was not initially filed because it was determined that there were no receipts or disbursements for the period. 11 C.F.R. § 104.5(c)(1)(iii) requires that political committees that are not authorized committees of a candidate must file, in an election year, the Post-General Report no later than 30 days after any general election. This regulatory requirement does not specify that the report shall be filed only if there is activity during the reporting period, nor waive the requirement if there is no activity during the reporting period, therefore, the respondents were required to file the report regardless of whether there was any activity for the period.

With respect to the 12 Day Pre-General Report which the Treasurer indicates involved a similar issue and resulted in the Commission not assessing a civil penalty, the Pre-General Report, unlike the 30 Day Post-General Report, is only required to be filed by a political committee that is not an authorized committee of a candidate if the committee made contributions or expenditures for the general election during the Pre-General reporting period. 11 C.F.R. § 104.5(c)(1)(ii). Given that the respondents ultimately had no contributions or disbursements during the Pre-General reporting period, they were not required to file the report, and therefore no penalty was assessed.

Negligence is included at 11 C.F.R. § 111.35(d) as an example of a circumstance that is not considered reasonably unforeseen and beyond the respondents' control. Their challenge fails to address any of the three valid grounds for challenge enumerated at 11 C.F.R. § 111.35(b): (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The other issue raised in the challenge, (the respondents' timely filing for over a decade), also does not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$250.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2352 involving the Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer, in making the final determination;

- (2) Make a final determination in AF# 2352 that the Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$250; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

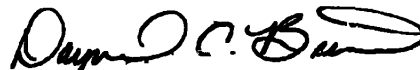
Attachment 2 – Declaration from RAD

Attachment 3 – Declaration from OAR

11092654922

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 30 Day Post-General Report is due December 2, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on December 2 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of Page 1 of the Summary Page for the 2010 30 Day Post-General Report electronically filed by the Boyd Gaming Political Action Committee and Rick Darmold, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from October 14 through November 22, 2010, and was received on January 3, 2011.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 21st of April, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092654923

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINTExample: If typing, type
over the lines

BOYD GAMING POLITICAL ACTION COMMITTEE

ADDRESS (number and street)

6465 S Rainbow Blvd

Check if different
than previously
reported. (ACC)

LAS VEGAS

NV

89118

2. FEC IDENTIFICATION NUMBER

CITY

STATE

ZIP CODE

C00142315

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)4. TYPE OF REPORT
(Choose One)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)
July 15
Quarterly Report(Q2)
October 15
Quarterly Report(Q3)
January 31
Quarterly Report(YE)(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State ofJuly 31 Mid-Year
Report(Non-election
Year Only) (MY)
Termination Report
(TER)(d) 30-Day
Post -Election
Report for the:

X

General (30G)

Runoff (30R)

Special (30S)

Election on

11

04

2010

in the
State of

NV

5. Covering Period

10

14

2010

through

11

22

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Rick Darnold

Signature of Treasurer

Electronically Filed by Rick Darnold

Date

01

03

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3X**
(Rev. 12/2004)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 28, 2011

Rick Darnold, in his official capacity as Treasurer
Boyd Gaming Political Action Committee
6465 S Rainbow Boulevard
Las Vegas, NV 89118

C00142315
AF# 2352

Dear Mr. Darnold:

On March 25, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Boyd Gaming Political Action Committee and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$250 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

11092654925



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 MAY 17 P 3:41

May 17, 2011

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer *PP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2352 – Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer (C00142315)

On March 25, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report and also made a preliminary determination that the civil money penalty was \$250 based on the schedule of penalties at 11 C.F.R. § 111.43.

On March 31, 2011, the Commission received their written response ("challenge") from the Treasurer. After reviewing the challenge, the Reviewing Officer's recommendation dated April 21, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$250 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

On May 10, 2011, the Commission received the respondents' \$250 payment.

11092654926

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2352 involving the Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2352 that the Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$250; and
- (3) Send the appropriate letter.

11092654927

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AF 2352
Boyd Gaming Political Action)
Committee and Rick Darnold, in his)
official capacity as Treasurer)
(C00142315))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 26, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2352:

1. Adopt the Reviewing Officer recommendation for AF# 2352 involving the Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2352 that the Boyd Gaming Political Action Committee and Rick Darnold, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$250.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 27, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092654928



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Rick Darnold, in official capacity as Treasurer
Boyd Gaming Political Action Committee
6465 S Rainbow Boulevard
Las Vegas, NV 89118

C004142315
AF# 2352

Dear Mr. Darnold:

On March 25, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that the Boyd Gaming Political Action Committee and you, your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 30 Day Post-General Report. By letter dated March 28, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$250 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On March 31, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that the Boyd Gaming Political Action Committee and you, your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$250 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on April 21, 2011.

On May 10, 2011, the Commission received your \$250 payment.

On May 26, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that the Boyd Gaming Political Action Committee and you, your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$250. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Caroline C. Hunter
Vice Chair

Attachment

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 000025000 BA# 1 05-10-11 20 4



THIS DOCUMENT IS THE PROPERTY OF US BANKCORP. IT IS TO BE DESTROYED AFTER TWO YEARS. DO NOT ACCEPT UNLESS BLUE AND PURPLE INK ARE PRESENT.

BOYD GAMING CORPORATION
6465 SOUTH RAINBOW BLVD
LAS VEGAS, NEVADA 89118

US Bankcorp.
1119
ACCOUNTS PAYABLE CHECK

0000123975
AMOUNT

PAY DATE 05/03/11 CHECK NO. 123975 \$ **250.00**

TWO HUNDRED FIFTY AND 00/100

FEDERAL ELECTION COMMISSION
PO BOX 979058
ST LOUIS MO 63197-9000

William S. Boyd
AUTHORIZED SIGNATURE

DOLLARS

11092654931

usbankcorp.
The Big Money Connection



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2352

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR Jmp

11092654932